

**MEMORIAL RESOLUTION**

**S.R. 113** - By Montford: In memory of James Edward Perkins, District 3 Councilman, of Odessa.

**ADJOURNMENT**

On motion of Senator Brooks, the Senate at 9:12 a.m. adjourned, in memory of Tommy Thompson, Pulitzer Prize-winning columnist for the Amarillo Globe-Times, until 11:00 a.m. tomorrow.

**APPENDIX**

Signed by Governor  
December 6, 1989

**H.C.R. 2**

**H.C.R. 6**

**H.C.R. 7**

**H.C.R. 8**

**H.C.R. 9**

**H.C.R. 13**

**H.C.R. 14**

**H.C.R. 18**

**H.C.R. 20**

**SIXTH DAY**

(Friday, December 8, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by Senator Brooks.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Our kind and gracious Heavenly Father, we thank You for the call to activity this morning, knowing that the affairs of men and women are governed by the Almighty. Help us to accept each hour today as a gift and a trust and to use it wisely, understanding that we cannot get it back or relive it. As the serious business of government is confronted, may perseverance and self-control prevail in the best tradition of this legislative body.

In our Father's name we pray. Amen.

On motion of Senator Harris and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**MESSAGE FROM THE HOUSE**

House Chamber  
December 8, 1989

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House suspended all necessary rules and adopted the Conference Committee Report on **S.B. 1** by a record vote of 111 Yeas, 31 Nays, 1 Present-not voting.

**S.C.R. 26**, Allowing the Conference Committee on **S.B. 1** to go outside the bounds of the House and Senate versions. (As amended)

**H.C.R. 42**, Congratulating Andre Ware on winning the Heisman Trophy.

**H.C.R. 44**, In memory of Benjamin F. Pierson.

**H.C.R. 46**, Authorizing the Conference Committee on **S.B. 1** to consider matters outside the House and Senate versions.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**GUEST PRESENTED**

Senator Sims was recognized and presented Dr. Edward Franks of Iraan.

Dr. Franks, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

**RECESS**

On motion of Senator Harris, the Senate at 11:05 a.m. took recess until 1:30 p.m. today.

**AFTER RECESS**

The Senate met at 1:30 p.m. and was called to order by the President.

**MESSAGE FROM THE HOUSE**

House Chamber  
December 8, 1989

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.C.R. 47**, Commemorating the 50th anniversary of the release of the classic motion picture The Wizard of Oz.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

On motion of Senator Harris and by unanimous consent, Senator Krier will be shown as Co-author of S.B. 20.

Senator Harris submitted the following report for the Committee on Economic Development:

## SENATE BILLS ON FIRST READING

**S.B. 57 by Tejeda** Criminal Justice  
Relating to the provision of legal services to indigents charged in criminal cases in  
Bexar County.

On motion of Senator Montford and by unanimous consent, the resolution was considered immediately and was adopted viva voce vote.

H.C.R. 29  
H.C.R. 35

**H.C.R. 39****H.C.R. 40****H.C.R. 41****H.C.R. 42****MOTION TO ADOPT CONFERENCE COMMITTEE  
REPORT ON SENATE BILL 1**

Senator Montford called from the President's table the Conference Committee Report on S.B. 1. (The Conference Committee Report having been filed with the Senate and read on Thursday, December 7, 1989.)

Senator Montford moved to adopt the Conference Committee Report.

The motion was lost by the following vote: Yeas 14, Nays 17.

Yeas: Armbrister, Bivins, Brown, Glasgow, Haley, Harris, Henderson, Krier, Leedom, McFarland, Montford, Ratliff, Sims, Tejeda.

Nays: Barrientos, Brooks, Caperton, Carriker, Dickson, Edwards, Green, Johnson, Lyon, Parker, Parmer, Santiesteban, Truan, Uribe, Washington, Whitmire, Zaffirini.

**SESSION TO CONSIDER EXECUTIVE APPOINTMENTS**

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given yesterday by Senator Edwards.

Senator Edwards moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

Senator Johnson requested that Lawrence E. Jenkins and Dr. Charles C. Sprague, to be Members of the Higher Education Coordinating Board, be severed.

The request was granted.

**NOMINEES CONFIRMED**

The following nominees, not severed and reported yesterday by the Committee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

Member, State Purchasing and General Services Commission: PHILLIP A. ARONOFF, Harris County.

Member, Department of Information Resources: DR. DONALD A. MAXWELL, Brazos County.

Members, Texas Space Commission: DR. JOSEPH P. ALLEN IV, Harris County; JERRY C. BOSTICK, Harris County; LENOX CARRUTH, JR., Dallas County; DAVID A. HEUER, Harris County; FRANK MARESH, Harris County; ORAN NICKS, Brazos County; MRS. SARAH A. PETERSON, Harris County; MRS. EMYRE' B. ROBINSON, Galveston County; JACK M. WEBB, Harris County.

Members, Texas Youth Commission: GARY D. COMPTON, Randall County; MS. MARILLA BLACK WOOD, Travis County.

Member, Bandera County River Authority: MORGAN KEITH COX, Bandera County.

Member, State Board of Veterinary Medical Examiners: GUY ALVIN SHEPPARD, D.V.M., Tom Green County.

Members, Board of Directors, Guadalupe-Blanco River Authority: WILLIAM A. BLACKWELL, DeWitt County; JERRY LLOYD MOORE, JR., Hays County; MS. JEN F. RIPLEY, Gonzales County.

Members, Board of Directors, Lavaca-Navidad River Authority: MRS. JOYCE H. JARRATT, Jackson County; DENNIS S. SIMONS, Jackson County; AUGUST E. "GUS" WESTHOFF II, Jackson County.

Member, On-Site Wastewater Treatment Research Council: E. BOONE COY, Harris County.

Member, State Depository Board: ROBERT LEE MONAGHAN, Midland County.

Members, Lower Concho River Water and Soil Conservation Authority: ALTON R. TAYLOR, Concho County; EDWIN T. TICKLE, Concho County; HARVEY P. WILLIAMS, Concho County.

Members, Board of Directors, Runnels County Water Authority: JAMES DOYLE CONDRA, Runnels County; MARVIN W. GERHART, Runnels County.

#### RECESS

On motion of Senator Brooks, the Senate at 4:47 p.m. took recess until 5:15 p.m. today.

#### AFTER RECESS

The Senate met at 5:15 p.m. and was called to order by the President.

On motion of Senator Parmer and by unanimous consent, the Senate requested that the House reconsider its action adopting the Conference Committee Report on S.B. 1 and that the House appoint a Conference Committee to resolve the differences between the two houses on S.B. 1.

#### ELECTION OF PRESIDENT PRO TEMPORE AD INTERIM, SEVENTY-FIRST LEGISLATURE, SECOND CALLED SESSION

The President announced that the time had arrived for the election of the President Pro Tempore Ad Interim, 71st Legislature, 2nd Called Session.

On motion of Senator Brooks, Senator Craig Washington of Houston was elected by acclamation.

The President appointed Senators Johnson, Brooks, Green, Truan, Lyon, Leedom and Whitmire to escort Senator Washington to the President's Rostrum.

The Oath of Office was administered to Senator Washington by the President.

Senator Washington addressed the Senate, stating that he was deeply touched and honored to be elected President Pro Tempore. He further stated that the Texas Senate will forever be remembered and loved in his heart.

#### SENATE RESOLUTION 121 (Caucus Report)

Senator Brooks offered the following resolution:

Honorable William P. Hobby  
President of the Senate  
Austin, Texas

Sir:

At a caucus held on December 8, 1989, and attended by 31 Members of the Senate, the following recommendations were made, to wit:

BE IT RESOLVED by the Senate, That:

The Lieutenant Governor may employ such employees as are necessary for the operation of his office from the closing of this session and until the convening of the next session, and in addition thereto, he and the Secretary of the Senate shall be furnished postage, telegraph, telephone, express, and all other expenses incident to their respective offices.

The Secretary of the Senate shall be retained during the interval between adjournment of this session and the convening of the next session of the Legislature. The Secretary of the Senate may employ such employees as are necessary for the operation of her office and to perform duties as may be required in connection with the business of the state from the closing of this session and until the convening of the next session. All employees and elected officers of the Senate shall operate under the direct supervision of the Secretary of the Senate during the interim.

The Administration Chairman is authorized to retain a sufficient number of staff employees to conclude the work of the Enrolling Clerk, Calendar Clerk, Journal Clerk, and Sergeant-at-Arms. The Committee on Administration shall establish the salaries to be paid the Senate staff.

The Chairman of the Senate Committee on Administration is hereby authorized and directed to cause the Senate Chamber to be placed in order and to purchase such supplies and to make all such repairs and improvement as are necessary between the adjournment of this session and the convening of the next session of the Legislature and make an inventory of all furniture and fixtures in the Senate Chamber and in the private offices of the Members, as well as of the supplies and equipment on hand in the Purchasing and Supply Department and close his books for the 2nd Called Session of the 71st Legislature. No equipment shall be acquired on a rental/purchase plan unless such equipment be placed on the Senate inventory at the termination of such plan. He shall also examine records and accounts payable out of the Contingent Expense Fund as shall be necessary properly to approve all claims and accounts against the Senate, and no claim or account shall be paid without his consent and approval, and he and any member of the Administration Committee shall be entitled to receive his actual and necessary expenses incurred during the interim; and, be it further

RESOLVED, That there shall be printed 325 volumes of the Senate Journal of the 2nd Called Session of the 71st Legislature; when complete 250 copies shall be bound in buckram and delivered to the Secretary of the Senate; one volume thus bound shall be forwarded by the Secretary of the Senate to each Member of the Senate, the Lieutenant Governor, and to each Member of the House of Representatives on request. The printing of such journals shall be done in accordance with the provisions of this Resolution under the supervision of the Chairman of the Committee on Administration; provided, further, that it shall be the duty of said chairman to refuse to receive or receipt for said Senate Journals until corrected and published in accordance with the preexisting law as finally approved by the Chairman of the Committee on Administration of the Senate. When the accounts have been certified by the Chairman of the Committee on Administration of the Senate, said accounts shall be paid out of the Contingent Expense Fund of the 71st Legislature; and, be it further

RESOLVED, That all salaries and expenses herein authorized to be incurred and paid for shall be paid out of the per diem and Contingent Expense Fund of the 71st Legislature as follows: The Senate shall request the State Comptroller of Public Accounts to issue general revenue warrants for payment of the employees of the Lieutenant Governor's office, the Lieutenant Governor, Members of the Senate,

employees of the Senate committees, and employees of the Senate, except as provided in Section 20 of the Legislative Reorganization Act (Article 5429f, Vernon's Texas Civil Statutes), upon presentation of the payroll account signed by the Chairman of the Administration Committee and the Secretary of the Senate; and for the payment of materials, supplies, and expenses of the Senate, including travel expenses for Members and employees, upon vouchers signed by the Chairman of the Senate Committee on Administration and the Secretary of the Senate; and, be it further

RESOLVED, That in furtherance of the legislative duties and responsibilities of the Senate, the Administration Committee is hereby authorized and directed to charge to the individual Member's office budget as hereinafter authorized: (1) reimbursement of all actual expenses incurred by the Members when traveling in performance of such duties and responsibilities or incident thereto, and (2) payment of all other reasonable and necessary expenses for the operation of the office of the individual Senator during any period the Legislature is not in session. Expenditures for these services by the Administration Committee as hereby authorized as an expense of the Senate shall not be restricted to Austin but may be incurred in individual senatorial districts. Such expenses shall be paid from funds appropriated for the use of the Senate on vouchers approved by the Chairman of the Administration Committee and the Secretary of the Senate in accordance with regulations governing such expenditures; and, be it further

RESOLVED, That for the time period from the end of the 71st Legislature, 2nd Called Session, until the convening of the next regular or special session, each Senator shall be permitted to employ secretarial and other office staff and for intrastate travel expenses for staff employees a payroll of \$15,500 per month. Any unexpended portion of this amount may be carried forward from month to month until the end of the fiscal year. Other expenses, including travel expenses or other reasonable and necessary expenses incurred in the furtherance and performance of legislative duties or in operation of his office or incident thereto, shall be provided in addition to the maximum salary authorized.

In order to accrue vacation leave, compensatory/overtime leave, or sick leave, employees of Members must file monthly time sheets with the Senate Personnel Office by the 10th of the month following the month in which work was performed. Employees of Members and committees must use compensatory/overtime accrued in a given month by the end of the same month of the following year. Compensatory/overtime accrued prior to January 1, 1989, will not be carried forward after January 1, 1990. No compensatory/overtime will be paid at either the end of the fiscal year or at an employee's termination; and, be it further

RESOLVED, That the Lieutenant Governor shall have the authority to appoint any Member of the Senate, the Secretary of the Senate, or other Senate employee to attend meetings of the National Conference of State Legislatures and other similar meetings. Necessary and actual expenses are hereby authorized upon the approval of the Chairman of the Administration Committee and the Secretary of the Senate; and, be it further

RESOLVED, That each of the standing committees and subcommittees of the Senate of the 71st Legislature be authorized to continue to meet at such times and places during the interim as determined by such committees and subcommittees and to hold hearings, recommend legislation, and perform research on matters directed either by Resolution, the Lieutenant Governor, or as determined by majority vote of each committee. Each continuing committee and subcommittee shall continue to function under the rules adopted during the legislative session where applicable. Expenses for the operation of these committees and subcommittees are hereby authorized to be paid pursuant to a budget prepared by each committee and approved by the Administration Committee; and, be it further

RESOLVED, That the operating expenses of this committee shall be paid from the Contingent Expense Fund of the Senate, and the committee members shall be reimbursed for their actual expenses incurred in carrying out the duties of the committee.

Any members not returning for the 72nd Legislature will vacate their Senate offices by December 15, 1990; and, be it further

RESOLVED, That no employee of the Senate shall during the time he or she is employed furnish to any person, firm, or corporation any information other than general information furnished the public pertaining to the Senate, and they shall not without permission receive any compensation from any person, firm, or corporation during their employment by the Senate, and any employee found guilty of violating this provision shall be immediately discharged; and, be it further

RESOLVED, That the Secretary of the Senate is specifically directed not to permit the removal of any of the property of the Senate from the Senate Chamber or the rooms of the Senate except as authorized by the Chairman of the Administration Committee.

Respectfully submitted,

/s/Chet Brooks  
Chairman of the Caucus

/s/Carlos F. Truan  
Secretary of the Caucus

The resolution was read and was adopted viva voce vote.

#### MOTION TO CONFIRM NOMINEES

Senator Edwards moved to confirm Lawrence E. Jenkins and Dr. Charles C. Sprague, to be Members of the Higher Education Coordinating Board, who were severed earlier.

On motion of Senator Edwards and by unanimous consent, the motion was withdrawn.

#### MEMORIAL RESOLUTIONS

H.C.R. 35 - (Zaffirini): In memory of Jack Alwyn Pearce of Sutherland Springs.

H.C.R. 44 - (Carriker): In memory of Benjamin F. Pierson.

S.R. 115 - By. Brown: In memory of the 14 young women who were slain at the University of Montreal.

#### CONGRATULATORY RESOLUTIONS

H.C.R. 29 - (Caperton): Granting Texas 4-H permission to use the chambers of the Senate and House of Representatives on July 17-19, 1990.

H.C.R. 40 - (Barrientos): Extending congratulations to Harvey Penick on being named Teacher of the Year by the Professional Golfers' Association.

H.C.R. 41 - (Barrientos): Extending congratulations to Tom Kite on being named the 1989 PGA Player of the Year.

H.C.R. 42 - (Brooks): Extending congratulations to University of Houston quarterback Andre Ware on the outstanding honor he received on being selected as the winner of the 1989 Heisman Trophy.

H.C.R. 47 - (Glasgow): Commemorating the 50th anniversary of the classic motion picture The Wizard of Oz.



**S.R. 120 - By Krier:** Extending congratulations to Dr. Sean Burke on receiving recognition for his excellent contributions to the City of San Antonio, our State and the world.

On motion of Senator Brooks, the Senate at 6:46 p.m. took recess until 2:00 p.m. Monday, December 11, 1989.

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE